

Notice of Allowability

Application No.

09/284,024

Examiner

Sow-Fun Hon

Applicant(s)

DELIUS, ULRICH

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 02/03/05.
2. ☒ The allowed claim(s) is/are 1 and 3-16.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 02/22/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

63

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Claims 1, 3-11, 15-16 are directed to an allowable product. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), claims 12-14, directed to the process of making or using the patentable product, previously withdrawn from consideration as a result of a restriction requirement, are now subject to being rejoined. Claims 12-14 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Since all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement made in the Office action mailed on 6/13/01 is hereby withdrawn.

3. Authorization for this examiner's amendment was given in a telephone interview with Paul Strain on February 22, 2005.

4. The application has been amended as follows:

a. Specification: Page 1: Below title "Polyamide-based sausage skin which can be filled manually", insert:

i. as line 1: - - This application is a 371 of PCT/EP97/05890 filed
10/24/1997. - -

ii. as line 2: - - Background of the Invention - -

Art Unit: 1772

- b. Specification: Page 5: Above line 24 (as numbered in left margin), "The object was therefore to develop ...", insert - - Summary of the Invention - -
- c. Specification: Page 7: Above line 20 (as numbered in left margin), insert - - Detailed Description of the Invention - -
- d. Insert after the Specification: - -

Abstract

The invention concerns a biaxially stretched and thermoset tubular seamless single- or multi-layered foodstuff skin wherein the layer, or, a multi-layered skin wherein at least one of the layers, contains a block copolymer with "hard" aliphatic polyamide blocks and "soft" aliphatic polyether blocks, the block copolymer corresponding to one of formulae (I) to (III), $E_a-(NH-[CH_2]_x-CO)_m-X_a-(A-O)_n-A$ $X_a-(CO-[CH_2]_x-NH)_m-E_a$ (I), (II), $-[X-(CO--[CH_2]_x-NH)_o-Y-X-(A-O)_p-A]-(III)$. The invention is particularly suitable as a skin for a sausage which is to be boiled or heated in water, and does not form folds when the filling is introduced manually, with no or only slight pressure. - -

- e. Claims section dated 2/03/05: Substitute claim identifier "(Withdrawn)" of Claim 12 with - - (Withdrawn - Currently Amended) - -.

5. Claims 1, 3-16 are allowed.

6. The following is an examiner's statement of reasons for allowance: the closest cited prior art of record, US 4,486,507, even in combination with US 5,612,104, fails to teach or suggest the combination of a biaxially stretched and thermoset, tubular, seamless, single-layer or a biaxially stretched and thermoset, tubular, seamless, multiple-layer sausage casing having a residual shrinkage in the range of from 5 to 20 % at 80 °C, wherein the shrinkage is measured before

Art Unit: 1772

stuffing the sausage casing, in which the layer or, in the case of multiple-layer casings, at least one of the layers, comprises a block copolymer containing "hard" aliphatic polyamide blocks having a glass-transition temperature of from 20 to 80 °C and "soft" aliphatic polyether blocks having a glass-transition temperature of from -100 to -20 °C, which block copolymer corresponds to the following formula below:



where Y is -CO-, -CO-CH₂)_z-CO- or -CO-C₆H₄-CO-,

where C₆H₄ is meta- or para-phenylene, or is -CO-N([CH₂)_{x-1}-CH₃)-CO-, -CO-N([CH₂)_{x-1}-CH₃)-CO-[CH₂)_z-CO-N([CH₂)_{x-1}-CH₃)-CO- or -CO-N([CH₂)_{x-1}-CH₃)-CO-C₆H₄-CO-N([CH₂)_{x-1}-CH₃)-CO-,

where C₆H₄ is para- or meta-phenylene, o is an integer from 10 to 150, p is an integer from 4 to 100 and X_a is -O-,

A is an alkanediyl radical of the formula

-CH₂-CH₂- (= ethane-1,2-diyl), -CH₂-CH(CH₃)- (= propane-1,2-diyl) or -(CH₂)₄- (= butane-1,4-diyl), x is an integer from 5 to 11, and z is an integer from 4 to 10.

Both US 4,486,507 and US 5,612,104 fail to teach a tubular, seamless sausage casing containing the aliphatic polyamide blocks and the aliphatic polyether blocks. See Applicant's remarks dated 12/06/04.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 1772

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Hon

Sow-Fun Hon

02/02/05

Harold Pyon

1772 2/28/05